



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 670

**Assembly
Amendment 1**

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Contact: Rachel E. Letzing, Senior Staff Attorney (266-3370)

Background

The Natural Resources Board of the Department of Natural Resources (DNR) adopted revisions to ch. NR 115, Wis. Adm. Code, relating to Wisconsin's shoreland protection program, on November 13, 2009. The final rule took effect on February 1, 2010. County governments will have two years from that time to update their shoreland zoning ordinances to be consistent with or exceed the state's rules. Among other changes, the revised rules specify that under certain circumstances, a county must issue a permit that requires a mitigation plan approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan must include enforceable obligations of the property owner to establish or maintain measures that the county determines adequate to offset the impacts of the permitted activity on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. The obligations of the property owner under the mitigation plan must be evidenced by an instrument recorded in the office of the county register of deeds.

Assembly Bill 670

Assembly Bill 670 requires a property owner to disclose on the real estate condition report whether the property is subject to a mitigation plan required by the county. A property owner who has furnished to a prospective buyer an original or amended real estate condition report before the effective date of the bill is not required to submit an amended report with respect to this required information.

The disclosure requirement in the bill first applies to original real estate condition reports that are furnished on the effective date of the bill, which is the day after publication.

Assembly Amendment 1 changes the effective date of the bill to January 1, 2011.

Legislative History

Assembly Amendment 1 was offered by the Assembly Committee on Natural Resources on January 27, 2010. On the same date, the Assembly Committee on Natural Resources recommended adoption of Assembly Amendment 1 on a vote of Ayes, 15; Noes, 0 and recommended passage of the bill, as amended, by the same vote.

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